



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Brian Binzer, Director

REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2014-13

LEGISTAR #: 20140764

PROPERTY OWNER/APPLICANT: City of Marietta
205 Lawrence Street
Marietta, GA 30060

PROPERTY ADDRESS: 500 North Fairground Street;
545 & 586 Kenneth E. Marcus Way

PARCEL DESCRIPTION: Land Lot 10900, District 16, Parcel 0780

AREA: 1.193, 1.705, 2.135 (5.033) acs.

COUNCIL WARD: 5B

EXISTING ZONING: PRD-MF [Planned Residential Development (Multi-Family)] and CRC (Community Retail Commercial)

REQUEST: OI (Office Institutional)

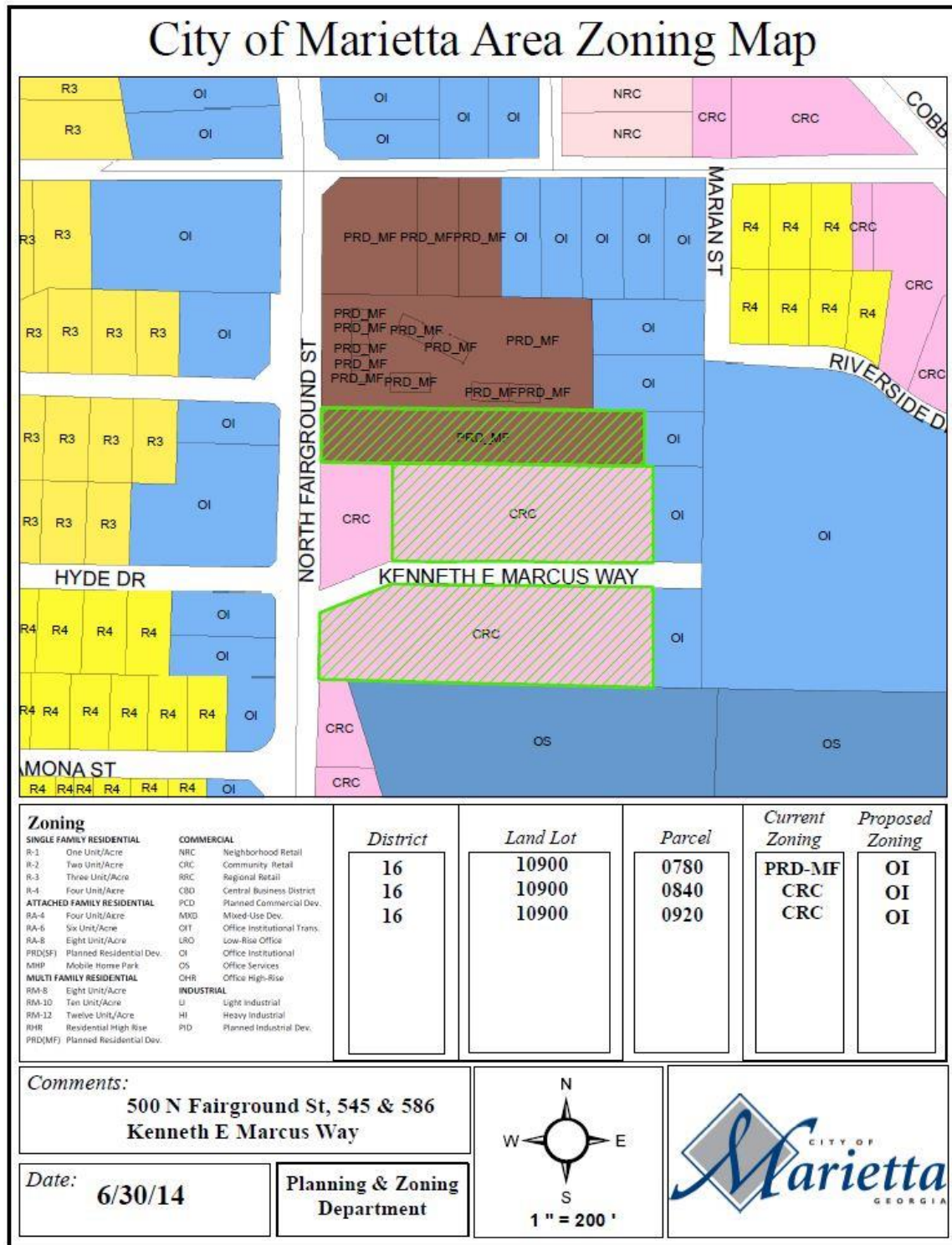
FUTURE LAND USE: MXD (Mixed-Use) & PR (Parks & Recreation)

REASON FOR REQUEST: The City is proposing to rezone these parcels from PRD-MF and CRC to OI so these properties will be consistently zoned with the rest of Custer Park and may undergo building and site renovations.

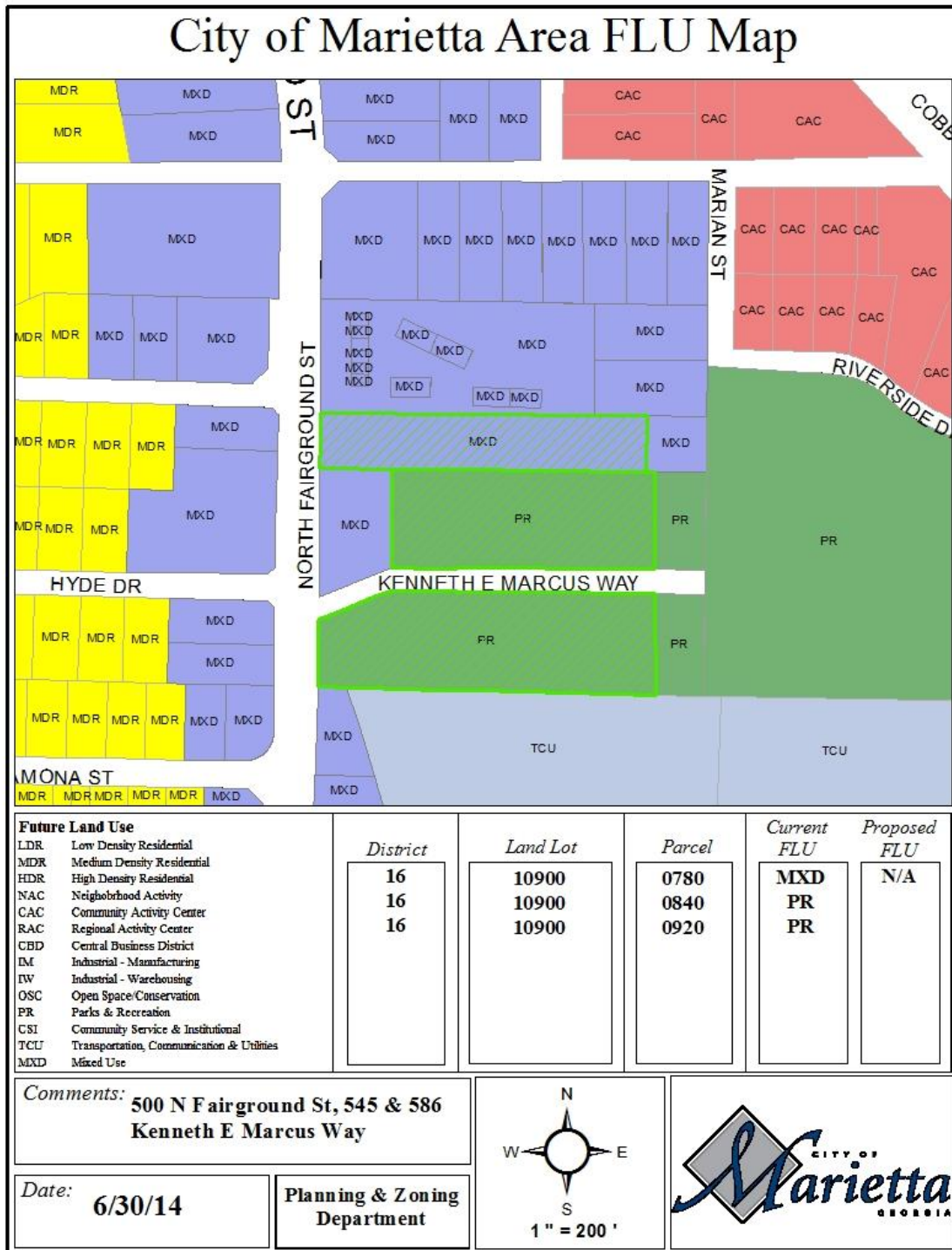
PLANNING COMMISSION HEARING: Tuesday, August 5, 2014 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, August 13, 2014 – 7:00 p.m.

MAP



FLU MAP



PICTURES OF PROPERTY



545 Kenneth E. Marcus Way



586 Kenneth E. Marcus Way



Rear structure on 500 North Fairground Street



Front structure on 500 North Fairground Street

STAFF ANALYSIS

Location Compatibility

The City is proposing the rezoning of three properties: 500 North Fairground Street, 545 Kenneth E. Marcus Way, and 586 Kenneth E. Marcus Way to OI (Office Institutional). The property at 500 North Fairground Street is currently zoned PRD-MF (Planned Residential Development – Multi Family) and contains two dilapidated residential structures. South of that property is an existing parking lot and church facility, located on either side of Kenneth E. Marcus Way and both zoned CRC (Community Retail Commercial). The City has plans to renovate and expand the church facility northward using the property at 500 North Fairground Street.

Use Potential and Impacts

Until the City purchased these properties, they functioned as apartments (500 North Fairground Street), a community building (545 Kenneth E. Marcus Way), and a parking lot (586 Kenneth E. Marcus Way) for the community building. There is no proposed change to the parking lot on the south side of Kenneth E. Marcus Way; it is being included in the rezoning simply to keep the parcels making up the Custer Park complex consistently zoned. Plans for the two parcels north of Kenneth E. Marcus way include an expansion of the existing facility as well as the construction of a parking lot on the north side of the building (500 North Fairground Street). In order to implement the proposed design, the following variances would be necessary:

- Variance to reduce the front yard setback from 30' to 20.' [§708.23 (H)]
- Variance to reduce the buffer along the northern property line from 30' to 15'. [§708.23 (I)]

Considering the two parcels located along Kenneth E. Marcus Way have been functioning as a community center for a church for quite some time, this rezoning request should not create any additional adverse impacts on the surrounding neighborhood. Further, the number and type of permitted uses listed in OI is less than those listed in the CRC zoning district. And, although residential uses are typically considered as having less of an impact on surrounding uses than commercial or institutional uses, the property at 500 North Fairground Street has not been used since at least 2011. The vacant buildings are not only an eyesore but are also a safety concern, as the buildings have a history of unauthorized use by vagrants. A city-owned parking lot for a community center is a better, safer use for the property than the dilapidated and vacant apartments.

The Future Land Use for the two parcels straddling Kenneth E. Marcus Way is designated as PR (Parks & Recreation). This category is intended to identify existing parks & recreation facilities, and locate lands suitable either for expansion of existing facilities or construction of new facilities. This rezoning request aligns with the goals specified under the PR FLU as described in the City's Comprehensive Plan.

The Future Land Use for the property at 500 North Fairground Street is MXD (Mixed-use), which is described as “*activity centers that are specifically planned to include both residential and non-residential uses.*” Smaller parcels with a FLU of MXD, such as 500 North Fairground Street, are designed to be assembled and developed within a larger project. The blocks running along North Fairground Street, specifically around the Seminole Drive and Allgood Road intersections, are all designated as MXD as a way to increase their redevelopment potential. Although this parcel will not be developed as part of a mixed use project, it will be included in a larger project to further expand the city’s parks. To be consistent, the Future Land Use for this property should be changed to PR (Parks & Recreation).

Environmental Impacts

There is no indication of any endangered species, streams, flood plain, wetlands, or significant slopes on the property.

Marietta Parks & Recreation Department indicates that there will be no change to anything, including the existing trees, on the property south of Kenneth E. Marcus Way. There are landscaping improvements, including the replanting of the buffer along the northern property line, proposed for the community facility and new parking lot site. However, at this time it is unclear whether site density or street and/or parking lot trees will be provided, as full plans have not yet been prepared. As a result, the following variance is being requested:

- Variance to reduce site density and waive requirements for vehicle use areas subject to review of City Arborist. [§712.08 (D.4.) & (G.)]

Economic Functionality

The property at 500 North Fairground Street has mostly been boarded up and vacant since 2011. It is unclear whether this was due to negligence on behalf of the owner or whether property was not economically viable.

The two properties on either side of Kenneth E. Marcus Way are in good condition and appear to have been consistently used over time, indicating they are currently functional as zoned.

Infrastructure

The proposed use should have no additional impact on the school system. The added demand on the water, sewer, and electric systems as a result of this expansion should be negligible. And, while it is reasonable to expect additional traffic as a result of this proposal, especially during special events, Fairground Street has recently undergone substantial improvements that should accommodate any additional demand caused by the proposed



development.

History of Property

In 1985 an administrative variance (AV-8537) was granted to reduce the side (north and south) setbacks to construct the front-most building at 500 North Fairground Street.

Also in 1985 a variance (V-850652) was granted to reduce the northern, eastern, and southern buffers for the property on Hyde Drive (Kenneth E. Marcus Way). The Board of Zoning Appeals approved a variance (V-97057) in 1997 to allow off-street parking more than 400 feet from the main entrance of the principal use with the following stipulations:

1. Shuttle service be provided from the parking lot to the sanctuary subject to the approval of the public works and fire departments,
2. The site be developed in accordance with the plan dated Nov. 25, 1997 submitted with this application, and
3. Building permits for the satellite parking shall not be issued until staff has approved site plans for the sanctuary which require the additional parking.

In 1998 the front and rear setbacks for the building on the north side of Hyde Drive (545 Kenneth E. Marcus Way) were reduced (V-98034) by the Board of Zoning Appeals.

Other Issues

The Marietta Zoning Division would suggest that, if rezoned, these parcels be consolidated through the exemption plat process.

ANALYSIS & CONCLUSION

The City is proposing the rezoning of three properties: 500 North Fairground Street, 545 Kenneth E. Marcus Way, and 586 Kenneth E. Marcus Way to OI. The property at 500 North Fairground Street is currently zoned PRD-MF and contains two dilapidated residential structures. South of that property is an existing parking lot and church facility, located on either side of Kenneth E. Marcus Way and both zoned CRC. The City has plans to renovate and expand the church facility northward using the property at 500 North Fairground Street.

This rezoning request should not create any additional adverse impacts on the surrounding neighborhood. OI is a more restrictive zoning classification than CRC and a city-owned parking lot for a community center is a better, safer use for the property than dilapidated and vacant apartments.

The following variances are being requested for the proposed project:

1. Variance to reduce the front yard setback from 30' to 20.' [*§708.23 (H.)*]
2. Variance to reduce the buffer along the northern property line from 30' to 15.' [*§708.23 (I.)*]
3. Variance to reduce site density and waive requirements for vehicle use areas subject to review of City Arborist. [*§712.08 (D.4.) & (G.)*]

The Future Land Use for the two parcels straddling Kenneth E. Marcus Way is designated as PR (Parks & Recreation). This rezoning request aligns with the goals specified under the PR FLU as described in the City's Comprehensive Plan. The Future Land Use for the property at 500 North Fairground Street is MXD (Mixed-use). Although this parcel will not be developed as part of a mixed use project, it will be included in a larger project to further expand the city's parks. To be consistent, the Future Land Use for this property should be changed to PR (Parks & Recreation).

Prepared by: _____

Approved by: _____

DATA APPENDIX

MARIETTA BOARD OF LIGHTS & WATER

WATER –

Is there a water line adjacent to the property?	
If not, how far is the closest water line?	
Size of water line?	
Capacity of water line?	
Approximate water usage by proposed use?	

WASTEWATER –

Is a sewer line adjacent to the property?	
If not, how far is the closest sewer line?	
Size of sewer line?	
Capacity of the sewer line	A.D.F. Peak
Estimated waste generated by proposed development?	
Treatment Plant Name?	
Treatment Plant Capacity?	
Future Plant Availability?	



DRAINAGE & ENVIRONMENTAL CONCERNS

No comments.

MARIETTA POWER – ELECTRICAL

Does Marietta Power serve this site?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If not, can this site be served?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
What special conditions would be involved in serving this site?		
Additional Comments:		

MARIETTA FIRE – EMERGENCY SERVICES

Nearest city or county fire station from the development?	
Distance to the nearest station?	
Most likely station for 1 ST response?	
Service burdens at the nearest city fire station (under, at, or above capacity?	
Other than the questions above, please comment on any issues you might have concerning this request for rezoning or variance.	
<u>Comments:</u>	
*Comply with all state and local codes for occupancy classification including but not limited to sprinkler system, fire alarm system, and protection of hazards.	